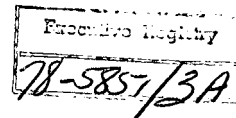


The Director

Central Intelligence Agency



Washington, D.C. 20505



4 November 1978

OLC #78-3060

06A

The Honorable Joel W. Solomon
Administrator
General Services Administration
Washington, D.C. 20405

Dear Jay:

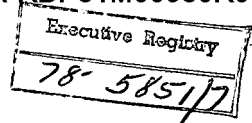
As you are aware from my letter of 31 December 1977, the Agency is seeking to move forward with the long-delayed acquisition of approximately [] square feet of space required for the relocation of personnel from our Headquarters Building.

In your letter of 17 July 1978, you advised that GSA would proceed with regard to this requirement by preparing a prospectus for submission to the Public Works Committees of the Congress. It has been this Agency's view, now confirmed, that a submission of this nature is not required. In response to specific inquiries directed to both the House and Senate, I have been assured of Congressional intent in this matter, and hereby certify that the requisite funds for this project were appropriated, and are available for expenditure, without being subject to a need of any further authorization or the submission of a prospectus pursuant to the Public Buildings Act.

With this point now clarified, your action to acquire the needed space as soon as possible is requested. Mr. [] Chief of our Real Estate and Construction Division, will provide any necessary Agency assistance.

Yours,

STANSFIELD TURNER



11-2-78
OLC 78 3060/3

DD/A 78-2443/7

1 NOV 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
General Counsel
Legislative Counsel

FROM: Michael J. Malanick
Acting Deputy Director for Administration

SUBJECT: Relief from Requirements (Prospectus) of
the Public Buildings Act

1. Action Requested: You are requested to sign and forward the attached letter to Mr. Joel Solomon, Administrator, General Services Administration (GSA).

2. Background and Staff Position:

a. Attachment 2 is resubmitted as a recap of our efforts to date to acquire [] square feet of administrative space in the Metropolitan Washington Area. ST

b. Attachment 3 is a copy of your 5 September 1978 letter to the Chairmen of the House and Senate Appropriations Committees which contains the Agency's rationale for exemption from the prospectus requirements levied by the Public Buildings Act of 1959, as amended.

c. Attachment 4 is, in essence, the response to your 5 September 1978 letter to the House and Senate Appropriations Committees. As indicated in the Memorandum for the Record, no formal response will be forthcoming; however, the principals involved concur that the Agency's course is correct and that exemption from the Public Buildings Act of 1959, as amended, is warranted.

3. Recommendation: It is recommended that you sign and dispatch the attached letter to the Administrator of GSA.

/s/ Michael J. Malanick

Michael J. Malanick

Atts

SUBJECT: Relief from Requirements (Prospectus) of the
Public Buildings Act

Distribution:

Orig. - Adse (w/atts)
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Approved For Release 2004/08/30 : CIA-RDP81M00980R001700020007-5

Next 1 Page(s) In Document Exempt

Approved For Release 2004/08/30 : CIA-RDP81M00980R001700020007-5

Att 2

CD/A Registry

78-2445/4

16 AUG 1978

OGC 78-5420
8-17-78

Executive Registry

78-5837/4

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
General Counsel
Legislative Counsel
Comptroller

FROM: John F. Blake
Deputy Director for Administration

SUBJECT: Impact of Public Buildings Act (Prospectus)
on Acquisition of Space ☐

STAT 1. ☐ Action Requested: It is requested that you sign and direct the attached letter to the Chairmen of the House and Senate Appropriations Committees.

STAT 2. ☐ Background and Staff Position:

a. On 17 July 1979, Administrator Solomon of the General Services Administration (GSA) acceded to repeated requests and authorized the acquisition of leased space in the Metropolitan Washington Area (MWA) (see Attachment 1). However, this authorization was coupled with the requirement that the acquisition be effected in accordance with the provisions of the Public Buildings Act of 1959, as amended. This requires the preparation of a detailed prospectus in coordination with GSA, approval to proceed from the Office of Management and Budget (OMB), and, finally, authorization from the Public Works Committees in both houses of Congress. This process can take from 12 to 18 months to accomplish (with no guarantee of obtaining authorization to proceed) and only when it is successfully concluded will GSA begin the actual process of acquisition (market analysis, solicitations, etc.). This latter process normally takes another 9 to 12 months before a lease is actually signed and to this must be added at least 6 months for alterations. Assuming it will take 3 months just to prepare the prospectus, we, therefore, face a 30-month delay before significant relief from our space problems can be realized.

Unclassified when
separated from
attachments

OL 8 3804

SUBJECT: Impact of Public Buildings Act (Prospectus) on Acquisition of Space []

b. The history of this specific acquisition can be traced to 12 December 1975 when the Chief, Real Estate and Construction Division, Office of Logistics, forwarded a Standard Form 51 (see Attachment 2) to GSA requesting [] square feet of additional space. This particular request was tailored to acquisition of the remaining third of the [] Building. Thirty-two months have passed and subsequent Standard Form 51's were forwarded as dictated by changing circumstances [] management refused to lease the remaining space). Intermittently throughout the period, a moratorium on the acquisition of space was imposed, thus stalling all acquisition efforts.

c. Notwithstanding the moratorium, the Agency continued to plan for the eventual acquisition as evidenced by the various budget submissions, both going from the Office of Logistics (OL) to the Comptroller and ultimately from the Comptroller to Congress. The audit trail commenced in August 1975 when the Director of Logistics forwarded his FY 1977 budget estimates for the Federal Buildings Fund to the Comptroller (see Attachment 3). Subsequently, the Comptroller's submission to OMB for FY 1977 carried forward OL's estimate of [] for the acquisition (see Attachment 4). As a result of OMB's review, the budget submission to the Congressional Appropriations Committee was reduced and reflected a request for [] to fund the acquisition (see Attachment 5). DCI Bush, in an appearance before the House Appropriations Committee on 1 April 1976, was queried by Chairman Mahon concerning this line item in the budget (see Attachment 6) and justified the requirement.

d. There is little doubt that the acquisition was authorized and funds appropriated by Congress in FY 1977. Because acquisition was considered feasible and imminent, the requirement, as a distinct line item in the budget, was dropped in succeeding fiscal years. However, the requirement was carried over as a firm requirement in internal Agency budget documents (see Attachment 7 for OL's FY 1979 forecast) and to Congress by the Comptroller (see Attachment 5). The fundamental difference between the FY 1977 submission and those of succeeding years is one of format. Rather than reflecting a separate dollar amount in the "Expansion" column as was done in FY 1977, the requirement was lumped into the total needed to reimburse the Federal Buildings Fund under the Standard Level User Charges (SLUC).

SUBJECT: Impact of Public Buildings Act (Prospectus) on
Acquisition of Space ☐

ST

This dichotomy arises because the budget planning cycle begins each year in January with the issuance of the Program Call which is applicable to the fiscal year beginning 21 months later. Thus, budget planning for Fiscal Year 1978 and out years had to assume that the ☐ originally appropriated would automatically be required in succeeding fiscal years, and this sum was merely added to the aggregate SLUC payment base cost column in FY 1978 and subsequent submissions.

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5X1 e. The crux of the matter is outlined in an Office of General Counsel (OGC) memorandum of 17 March 1978 (see Attachment 9) wherein OGC advised that if it can be shown that monies in excess of ☐ were appropriated for a specific purpose, the requirements imposed by the Public Buildings Act no longer pertain. Such a legal determination will allow the appropriate agency official to so certify in writing to the requesting agency, GSA in this instance, thus avoiding the requirement for a prospectus. Because the Federal Buildings Fund was established under an amendment to the Public Buildings Act and to avoid any appearance of misleading Congress, or GSA acting as our agent, it is appropriate to notify the Chairmen of the respective Appropriations Committees of the Agency's position and intent. A similar course of action was followed in May of 1978 regarding Project SAFE and other pressing construction requirements (see Attachment 10).

STAT

3. ☐ Recommendation: It is recommended that you sign and dispatch the attached letter to the Chairmen of the House and Senate Appropriations Committees.

7s/ John F. Blake

John F. Blake

Atts

Att 3

The Director
Central Intelligence Agency

Washington, D.C. 20505

Executive Registry

78-5857/s

5 SEP 1978

The Honorable Warren G. Magnuson, Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable George H. Mahon, Chairman
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairmen:

In the process of acquiring critically needed leased space in the Metropolitan Washington Area, an issue has been raised by the General Services Administration (GSA), the resolution of which makes coordination with your Committees appropriate.

During hearings on the Agency's FY 1977 budget requests, then Director Bush explained to your Committees CIA's critical requirement for additional office space in the Metropolitan Area. Much of this requirement stems from the need to convert office space to machine space for computer programs, such as SAFE, ADSTAR, and CAMS which have been approved previously by your Committees. In fact, our needs are more critical now than when first explained by Director Bush because of the incessant demands of the machine and the realignment of a number of Agency functions dictated in part by the events of the past two years. Due to an Executive moratorium imposed on acquisition of space, this requirement has been carried over into each succeeding fiscal year. GSA has recently acquiesced to repeated Agency requests and has advised it is willing to proceed with the acquisition in FY 1979, such acquisition, however, being subject to the prospectus requirements established by the Public Buildings Act of 1959, as amended. Thus, the question is raised whether this acquisition should be specifically authorized by the Public Works Committees in addition to being authorized as part of the National Foreign Intelligence budget. My concern with the additional reviewing process is that all evidence indicates that preparation of the prospectus in coordination with GSA and the Office of Management and Budget,

OL 8 4187

plus scheduling and completion of hearings, will delay occupancy of the space until the 1981 time frame. This delay will of course have a disastrous effect on implementation of the already approved computer systems for intelligence targeting and dissemination.

It is my understanding that your Committees intend that the cited funds for space acquisition included in the FY 1979 budget be available for expenditure without need for further authorization. With your concurrence, when such funds become available, I intend to advise GSA that the long-planned acquisition of approximately [] square feet of leased space may proceed without the necessity for further review by the Public Works Committees.

25X1

Yours sincerely,

/s/ Stansfield Turner
STANSFIELD TURNER

Distribution:

Orig - addressees

1 - DCI

1 - DDCI

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1 - DDA

1 - OLC

1 - OGC

1 - Compt Subj

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Att 4

OLC 78-3060/2
24 October 1978

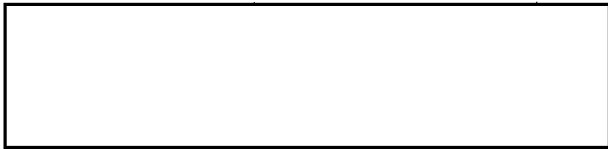
MEMORANDUM FOR THE RECORD

SUBJECT: House Appropriations Committee and Senate Appropriations
Committee Response Regarding Space Rental

1. On Wednesday, 18 October 1978, I called Charles Snodgrass, HAC staff, and Jim Fellenbaum, SAC staff, and asked if they had any response to the matter of proceeding with new space rentals. Both said they felt we could proceed with the rentals. Both also indicated there would be no formal response to the Director's letter of 5 September 1978 on this subject. In briefing these gentlemen in mid-September, we had indicated that a formal response to the Director's letter was unnecessary.

2. I take these informal responses to be a concurrence to the position taken by the Director in his letter of 5 September that in enacting FY 1979 appropriations for CIA the House and Senate Appropriations Committees did include funds for the acquisition of additional space.

STA


Office of Legislative Counsel